

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 05-30099-WDS
)	
MICHAEL AUGUSTINE,)	
)	
Defendant.)	

ORDER

STIEHL, District Judge:

Before the Court is defendant's motion to continue the trial which is set for August 20, 2005. Defendant seeks a continuance on the grounds that defense counsel recently received extensive discovery, specifically grand jury materials which the Court recently ordered released, and therefore requires additional time to review the discovery and to adequately prepare for trial. The Court notes that the defendant has filed a waiver of speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. The Court further notes that counsel for the government does not object to a continuance of the trial in this matter.

Upon review of the record, the Court **FINDS** that the counsel for the defendant has exercised due diligence in preparing for trial. The Court **FURTHER FINDS** that failure to grant a continuance in this matter would deny counsel for the defendant reasonable time necessary to prepare for trial. 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

Accordingly, the Court **GRANTS** the defendant's motions for a continuance. This matter is hereby continued for trial until Tuesday, October 18, 2005, at 10:00 A.M., and a final pre-trial conference on September 30, 2005, at 11:00 A.M. All time between the filing of this

motion and the new trial date shall be excluded for purposes of speedy trial calculations under § 3161.

IT IS SO ORDERED.

DATED: August 12, 2005.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE